

Hartley T. Bernstein, Esq.

From: Avery, Michael <Michael.Avery@mcafeetaft.com>
Sent: Tuesday, September 06, 2022 11:11 AM
To: Hartley T. Bernstein, Esq.
Cc: Mook, Jennie; Duncan, Alex
Subject: RE: FD Special Opportunities V v. Silver Arch Capital Partners et al

I am inclined to share our statements, Hartley. From our end there will, as you note, likely not be any surprises or anything you have not heard or read before. And while I expect the same to be true from your end, if there is something you think the mediator, and by extension our side, needs to see or hear, I would encourage you to share it with us.

We spoke with our clients recently in connection with coordinating and planning the mediation and depositions and they remain bullish, buoyed in their spirits by a recent transaction which has them very well-funded to pursue what they in no small part view as an opportunity to not only vindicate the wrongs of their own experience with Silver Arch, but also those of others. Again though, if there is something other than what you have previously shared that you believe would or should adjust our side's view of the expected outcome of the case, please let us know, as we would sincerely want to see that.

Either way, however, we will share our statement with you when we send it to the mediator later today.

From: Hartley T. Bernstein, Esq. <hbernstein@bernsteincherney.com>
Sent: Tuesday, September 6, 2022 9:58 AM
To: Avery, Michael <Michael.Avery@mcafeetaft.com>
Subject: FD Special Opportunities V v. Silver Arch Capital Partners et al

Michael,

We are scheduled to submit our Pre-Mediation Statements to the Mediator today. I am inclined to do so confidentially since we already are aware of our respective positions. Please let me know your view.

Hartley

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***WE ARE MOVING!**

AS OF SEPTEMBER 1, 2022 OUR OFFICE ADDRESS WILL BE 955 PARK AVENUE, NEW YORK, N.Y. 10028, FIFTH FLOOR. OUR TELEPHONE NUMBERS, FAX NUMBER AND EMAIL ADDRESS WILL REMAIN UNCHANGED.

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